

JUDGES COPY

PENNSYLVANIA DEPARTMENT OF CORRECTIONS
GOVERNOR'S OFFICE OF GENERAL COUNSEL
55 UTLEY DRIVE
CAMP HILL, PENNSYLVANIA 17011
(717) 731-0444

December 26, 2002

Peter Welsh
Deputy-in-Charge
United States District Court for the
Middle District of Pennsylvania
Federal Building
228 Walnut Street
Harrisburg PA 17108

FILED
HARRISBURG, PA
DEC 27 2002
JERRY E. DUNN, CLERK
Deputy Clerk

Re: *Hue v. Updike, et al.*
Civil Action No. 1:01-CV-1064

Dear Mr. Welsh:

Enclosed please find the original and two (2) copies each of a Confidentiality Stipulation. Also enclosed is an extra copy that is to be time/date stamped and returned to me.

Service of this document is being made on Phan Hue, DY- 0577, and Alan Gold, Esquire by the method and manner described in the Certificate of Service.

Very truly yours,

Marsha M Davis

Marsha M. Davis
Assistant Counsel

MMD/mj
Enclosures

cc: Charles W. Rubendall, II, Esquire (w/enclosure)
Phan Hue, DY-0577, SCI-Mahanoy (w/enclosure)
Alan Gold, Esquire (w/enclosures)
File

CONFIDENTIALITY STIPULATION

This Stipulation is made by and between counsel for the Federal Bar Association, Pro Bono Chair ("Federal Bar Assoc."), Charles W. Rubendall II, et al. and the Pa. Department of Corrections ("DOC"), et al.

WHEREAS, the Petitioner, Phan Hue, has initiated an action under 42 U.S.C. §1983 in the United States District Court for the Middle District, filed to No. 1: 01-CV-1064;

WHEREAS, the Federal Bar Association desires copies of the inmate medical files pursuant to a program sponsored by the Federal Bar Association in conjunction with the Pa. Medical Society and the United States Middle District Court in the above mentioned litigation;

WHEREAS, said program is aimed strictly at assisting The Federal Bar Assoc. in obtaining counsel for the Petitioner, in cases where counsel are reluctant to take a case without first knowing that the claim has medical validity;

WHEREAS, it is the policy of the DOC not to disclose inmate medical files to non-parties except by court order, and since the Court has ordered the Defendants to produce the Plaintiffs' medical files;

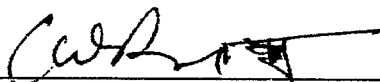
NOW, it is hereby STIPULATED and AGREED as follows:

1. The DOC, voluntarily and without waiving any objections it may have to production of additional records and documents, will produce the Plaintiffs' medical files, solely to Federal Bar Association, Pro Bono Chair, Charles W. Rubendall II, Esquire and their legal associates, paralegal and clerical or other staff who are employed by such counsel and are actually assisting in the litigation;
2. The contents of any such documents shall not be disclosed to the Petitioner, Phan Hue, or any other inmate without prior permission of the DOC or the Court.
3. The Federal Bar Association shall maintain such records as confidential in accordance with this Stipulation, and shall use such records solely for the purpose of review by a medical practitioner in order to advise the Federal Bar Association, Pro Bono Chair, as to the validity of a medical claim;
4. In the event that these records are either inadvertently or intentionally disclosed to someone not authorized to receive such records under this Stipulation, or if a person so authorized breaches any of his or her obligations under this Stipulation, the Federal Bar Assoc. shall immediately give notice of such unauthorized disclosure or breach to

counsel for the DOC and shall disclose the circumstances of the unauthorized disclosure or breach.

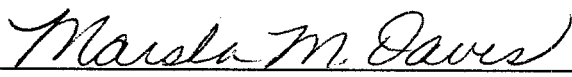
5. All documents obtained from the DOC shall be returned to the DOC upon the conclusion of the above proceedings or any appeals, actions or petitions related thereto.
6. After termination of this action, the provisions of this Stipulation and Order shall continue to be binding on the parties and their counsel. The Court retains jurisdiction over the parties and their counsel for the enforcement of this Stipulation and Order following the final disposition of this litigation.

Dated: 12/23/02



Charles Rubendall II, Esquire
Federal Bar Assoc., Pro Bono Chair

Pa. Department of Corrections

By: 

Marsha M. Davis
Assistant Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHAN HUE,

Plaintiff,

v.

JAMES UPDIKE, et al.,

Defendants.

Civil No. 01-CV-1064

(Judge Kane)

(Magistrate Judge Smyser)


CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of Confidentiality Stipulation in the above-referenced matter.

Service by first-class mail addressed as follows:

Phan Hue, DY 0577
SCI-Retreat
660 State Route 11
Hunlock Creek, Pa. 18621

Alan Gold, Esquire
Monaghan & Gold, P.C.
7837 Old York Road
Elkins Park, PA 19027


Marilyn Jones
Clerk Typist 2

Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: December 27, 2002